

WORKERS OF ALL COUNTRIES, UNITE!

J. S T A L I N

**ON THE DRAFT
CONSTITUTION
OF THE U.S.S.R.**



CONSTITUTION

(FUNDAMENTAL LAW)

**OF THE
UNION OF SOVIET
SOCIALIST REPUBLICS**



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J. STALIN

**ON THE DRAFT CONSTITUTION
OF THE U.S.S.R.**

REPORT DELIVERED AT THE
EXTRAORDINARY EIGHTH CONGRESS
OF SOVIETS OF THE U.S.S.R.

November 25, 1936

ON THE DRAFT CONSTITUTION OF THE U.S.S.R.

(REPORT DELIVERED AT THE EXTRAORDINARY
EIGHTH CONGRESS OF SOVIETS OF THE U.S.S.R.,
NOVEMBER 25, 1936)

Comrade Stalin's appearance on the rostrum is greeted by all present with loud and prolonged cheers. All rise. Shouts from all parts of the hall: "Hurrah for Comrade Stalin!" "Long live Comrade Stalin!" "Long live the Great Stalin!" "Hurrah for the great genius, Comrade Stalin!" "Vivat!" "Rot Front!" "Hurrah for Comrade Stalin!"

I

FORMATION

OF THE CONSTITUTION COMMISSION

AND ITS TASKS

Comrades, the Constitution Commission, whose draft has been submitted for consideration to the present Congress, was formed, as you know, by special decision of the Seventh Congress of Soviets of the U.S.S.R. This decision was adopted on February 6, 1935. It reads:

“1. To amend the Constitution of the Union of Soviet Socialist Republics in the direction of:

“a) further democratizing the electoral system by replacing not entirely equal suffrage by equal suffrage, indirect elections by direct elections, and the open ballot by the secret ballot;

“b) giving more precise definition to the social and economic basis of the Constitution by bringing the Constitution into conformity with the present relation of class forces in the U.S.S.R. (the creation of a new, socialist industry, the demolition of the ku-

lak class, the victory of the collective-farm system, the consolidation of socialist property as the basis of Soviet society, and so on).

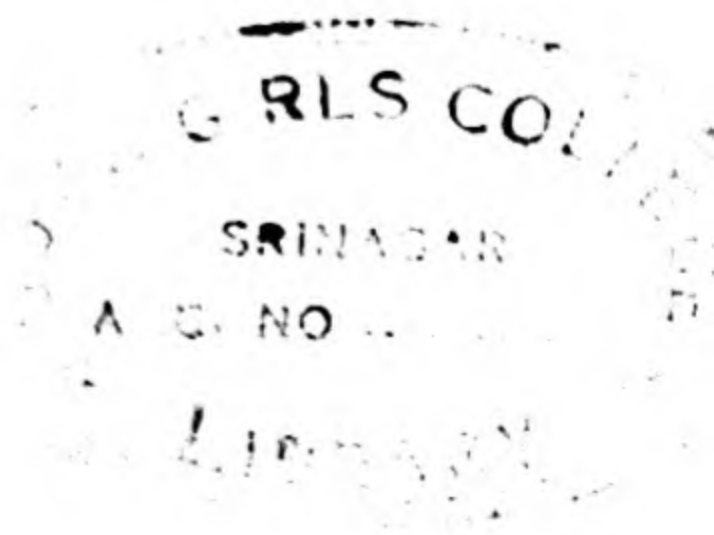
"2. To enjoin the Central Executive Committee of the Union of Soviet Socialist Republics to elect a Constitution Commission which shall be instructed to draw up an amended text of the Constitution in accordance with the principles indicated in Clause I and to submit it for approval to a Session of the Central Executive Committee of the Union of Soviet Socialist Republics.

"3. To conduct the next ordinary elections of the organs of Soviet power in the Union of Soviet Socialist Republics on the basis of the new electoral system."

This was on February 6, 1935. The day after this decision was adopted, i.e., February 7, 1935, the First Session of the Central Executive Committee of the U.S.S.R. met and, in pursuance of the decision of the Seventh Congress of Soviets of the U.S.S.R., set up a Constitution Commission consisting of 31 persons. It instructed the Constitution Commission to prepare a draft of an amended Constitution of the U.S.S.R.

Such were the formal grounds and instructions of the supreme body of the U.S.S.R. on the basis of which the work of the Constitution Commission was to proceed.

Thus, the Constitution Commission was to introduce changes in the Constitution now in force, which was adopted in 1924, taking into account the changes in the direction of Socialism which have been brought about in the life of the U.S.S.R. in the period from 1924 to the present day.



II

CHANGES IN THE LIFE OF THE U.S.S.R. IN THE PERIOD FROM 1924 TO 1936

What are the changes in the life of the U.S.S.R. that have been brought about in the period from 1924 to 1936 and which the Constitution Commission was to reflect in its Draft Constitution?

What is the essence of these changes?

What was the situation in 1924?

That was the first period of the New Economic Policy, when the Soviet power permitted a certain revival of capitalism while taking all measures to develop Socialism; when it calculated on securing, in the course of competition between the two systems of economy—the capitalist system and the socialist system—the preponderance of the socialist system over the capitalist system. The task was to consolidate the position of Socialism in the course of this competition, to achieve the elimination of the capitalist elements, and to consummate the victory of the socialist system as the fundamental system of the national economy.

Our industry, particularly heavy industry, presented an unenviable picture at that time. True, it was being gradually restored, but it had not yet raised its output to anywhere near the prewar level. It was based on the old, backward, and insufficient technique. Of course, it was developing in the direction of Socialism. The socialist sector of our industry at that time accounted for about 80 per cent of the whole. But the capitalist sector still controlled no less than 20 per cent of industry.

Our agriculture presented a still more unsightly picture. True, the landlord class had already been eliminated, but, on the other hand, the agricultural capitalist class, the kulak class, still represented a fairly considerable force. On the whole, agriculture at that time resembled a boundless ocean of small individual peasant farms with backward, medieval technical equipment. In this ocean there existed, in the form of isolated small dots and islets, collective farms and state farms which, strictly speaking, were not yet of any considerable significance in our national economy. The collective farms and state farms were weak, while the kulak was still strong. At that time we spoke not of eliminating the kulaks, but of restricting them.

The same must be said about our country's trade. The socialist sector in trade represented some 50 or 60 per cent, not more, while all the

rest of the field was occupied by merchants, profiteers, and other private traders.

Such was the picture of our economy in 1924. What is the situation now, in 1936?

At that time we were in the first period of the New Economic Policy, the beginning of NEP, the period of a certain revival of capitalism; now, however, we are in the last period of NEP, the end of NEP, the period of the complete liquidation of capitalism in all spheres of the national economy.

Take the fact, to begin with, that during this period our industry has grown into a gigantic force. Now it can no longer be described as weak and technically ill-equipped. On the contrary, it is now based on new, plentiful, modern technical equipment, with a powerfully developed heavy industry and an even more developed machine-building industry. But the most important thing is that capitalism has been banished entirely from the sphere of our industry, while the socialist form of production now holds undivided sway in the sphere of our industry. The fact that in volume of output our present socialist industry exceeds prewar industry more than sevenfold cannot be regarded as a minor detail.

In the sphere of agriculture, instead of the ocean of small individual peasant farms, with their poor technical equipment, and a strong kulak influence, we now have mechanized produc-

tion, conducted on a scale larger than anywhere else in the world, with up-to-date technical equipment, in the form of an all-embracing system of collective farms and state farms. Everybody knows that the kulak class in agriculture has been eliminated, while the sector of small individual peasant farms, with its backward, medieval technical equipment, now occupies an insignificant place; its share in agriculture as regards crop area does not amount to more than two or three per cent. We must not overlook the fact that the collective farms now have at their disposal 316,000 tractors with a total of 5,700,000 horsepower, and, together with the state farms, over 400,000 tractors, with a total of 7,580,000 horsepower.

As for the country's trade, the merchants and profiteers have been banished entirely from this sphere. All trade is now in the hands of the state, the cooperative societies, and the collective farms. A new, Soviet trade—trade without profiteers, trade without capitalists—has arisen and developed.

Thus the complete victory of the socialist system in all spheres of the national economy is now a fact.

And what does this mean?

It means that the exploitation of man by man has been abolished, eliminated, while the socialist ownership of the instruments and means of production has been established as the unshakable

foundation of our Soviet society. (*Prolonged applause.*)

As a result of all these changes in the sphere of the national economy of the U.S.S.R., we now have a new, socialist economy, which knows neither crises nor unemployment, which knows neither poverty nor ruin, and which provides our citizens with every opportunity to lead a prosperous and cultured life.

Such, in the main, are the changes which have taken place in the sphere of our *economy* during the period from 1924 to 1936.

In conformity with these changes in the economy of the U.S.S.R., the *class structure* of our society has also changed.

The landlord class, as you know, had already been eliminated as a result of the victorious conclusion of the Civil War. As for the other exploiting classes, they have shared the fate of the landlord class. The capitalist class in the sphere of industry has ceased to exist. The kulak class in the sphere of agriculture has ceased to exist. And the merchants and profiteers in the sphere of trade have ceased to exist. Thus all the exploiting classes have now been eliminated.

There remains the working class.

There remains the peasant class.

There remains the intelligentsia.

But it would be a mistake to think that these social groups have undergone no change during

this period, that they have remained the same as they were, say, in the period of capitalism.

Take, for example, the working class of the U.S.S.R. By force of habit, it is often called the proletariat. But what is the proletariat? The proletariat is a class bereft of the instruments and means of production, under an economic system in which the instruments and means of production belong to the capitalists and in which the capitalist class exploits the proletariat. The proletariat is a class exploited by the capitalists. But in our country, as you know, the capitalist class has already been eliminated, and the instruments and means of production have been taken from the capitalists and transferred to the state, of which the leading force is the working class. Consequently, there is no longer a capitalist class which could exploit the working class. Consequently, our working class, far from being bereft of the instruments and means of production, on the contrary, possesses them jointly with the whole people. And since it possesses them, and the capitalist class has been eliminated, all possibility of the working class being exploited is precluded. This being the case, can our working class be called a proletariat? Clearly, it cannot. Marx said that if the proletariat is to emancipate itself, it must crush the capitalist class, take the instruments and means of production from the capitalists, and abolish those conditions of production

which give rise to the proletariat. Can it be said that the working class of the U.S.S.R. has already brought about these conditions for its emancipation? Unquestionably, this can and must be said. And what does this mean? This means that the proletariat of the U.S.S.R. has been transformed into an entirely new class, into the working class of the U.S.S.R., which has abolished the capitalist economic system, which has established the socialist ownership of the instruments and means of production and is directing Soviet society along the road to Communism.

As you see, the working class of the U.S.S.R. is an entirely new working class, a working class emancipated from exploitation, the like of which the history of mankind has never known before.

Let us pass on to the question of the peasantry. It is customary to say that the peasantry is a class of small producers, with its members atomized, scattered over the face of the land, delving away in isolation on their small farms with their backward technical equipment; that they are slaves to private property and are exploited with impunity by landlords, kulaks, merchants, profiteers, usurers, and the like. And, indeed, in capitalist countries the peasantry, if we take it in the mass, is precisely such a class. Can it be said that our present-day peasantry, the Soviet peasantry, taken in the mass, resembles that kind of peasantry? No, that cannot be said. There is no

longer such a peasantry in our country. Our Soviet peasantry is an entirely new peasantry. In our country there are no longer any landlords and kulaks, merchants and usurers who could exploit the peasants. Consequently, our peasantry is a peasantry emancipated from exploitation. Further. Our Soviet peasantry, its overwhelming majority, is a collective-farm peasantry, i.e., it bases its work and wealth not on individual labour and on backward technical equipment, but on collective labour and up-to-date technical equipment. Finally, the economy of our peasantry is based, not on private property, but on collective property, which has grown up on the basis of collective labour.

As you see, the Soviet peasantry is an entirely new peasantry, the like of which the history of mankind has never known before.

Lastly, let us pass on to the question of the intelligentsia, to the question of engineers and technicians, of workers on the cultural front, of employees in general, and so on. The intelligentsia, too, has undergone great changes during this period. It is no longer the old hidebound intelligentsia which tried to place itself above classes, but which actually, taken in the mass, served the landlords and the capitalists. Our Soviet intelligentsia is an entirely new intelligentsia, bound up by its very roots with the working class and the peasantry. In the first place, the composition

of the intelligentsia has changed. People who come from the nobility and the bourgeoisie constitute but a small portion of our Soviet intelligentsia; 80 to 90 per cent of the Soviet intelligentsia are people who have come from the working class, from the peasantry, or from other strata of the working population. Finally, the very nature of the activities of the intelligentsia has changed. Formerly it had to serve the wealthy classes, for it had no alternative. Today it must serve the people, for there are no longer any exploiting classes. And that is precisely why it is now an equal member of Soviet society, in which, side by side with the workers and peasants, pulling together with them, it is engaged in building the new, classless, socialist society.

As you see, this is an entirely new, working intelligentsia, the like of which you will not find in any other country on earth.

Such are the changes which have taken place during this period as regards the class structure of Soviet society.

What do these changes signify?

Firstly, they signify that the dividing lines between the working class and the peasantry, and between these classes and the intelligentsia, are being obliterated, and that the old class exclusiveness is disappearing. This means that the distance between these social groups is steadily diminishing.

Secondly, they signify that the economic contradictions between these social groups are declining, are becoming obliterated.

And lastly, they signify that the political contradictions between them are also declining and becoming obliterated.

Such is the position in regard to the changes in the *class structure* of the U.S.S.R.

The picture of the changes in the social life of the U.S.S.R. would be incomplete if a few words were not said about the changes in yet another sphere. I have in mind the sphere of *national* relationships in the U.S.S.R. As you know, within the Soviet Union there are about sixty nations, national groups and nationalities. The Soviet state is a multinational state. Clearly, the question of the relations among the peoples of the U.S.S.R. cannot but be of prime importance for us.

The Union of Soviet Socialist Republics, as you know, was formed in 1922, at the First Congress of Soviets of the U.S.S.R. It was formed on the principles of equality and voluntary affiliation of the peoples of the U.S.S.R. The Constitution now in force, adopted in 1924, was the first Constitution of the U.S.S.R. That was the period when relations among the peoples had not yet been properly adjusted, when survivals of distrust towards the Great-Russians had not yet disappeared, and when centrifugal forces still continued

to operate. Under those conditions it was necessary to establish fraternal cooperation among the peoples on the basis of economic, political, and military mutual aid by uniting them in a single, federal, multinational state. The Soviet power had a very clear conception of the difficulties attending this task. It had before it the unsuccessful experiments of multinational states in bourgeois countries. It had before it the experiment of old Austria-Hungary, which ended in failure. Nevertheless, it resolved to make the experiment of creating a multinational state, for it knew that a multinational state which has arisen on the basis of Socialism is bound to stand every and any test.

Since then fourteen years have elapsed. A period long enough to test the experiment. And what do we find? This period has shown beyond a doubt that the experiment of forming a multinational state based on Socialism has been completely successful. This is an unquestionable victory of the Leninist national policy. (*Prolonged applause.*)

How is this victory to be explained?

The absence of exploiting classes, which are the principal organizers of strife between nations; the absence of exploitation, which cultivates mutual distrust and kindles nationalist passions; the fact that power is in the hands of the working class, which is the foe of all enslavement and the true vehicle of the ideas of internationalism; the

actual practice of mutual aid among the peoples in all spheres of economic and social life; and, finally, the flourishing of the national culture of the peoples of the U.S.S.R., culture which is national in form and socialist in content—all these and similar factors have brought about a radical change in the aspect of the peoples of the U.S.S.R.: their feeling of mutual distrust has disappeared, a feeling of mutual friendship has developed among them, and thus real fraternal cooperation among the peoples has been established within the system of a single federal state.

As a result, we now have a fully formed multinational socialist state, which has stood all tests, and whose stability might well be envied by any national state in any part of the world. (*Loud applause.*)

Such are the changes which have taken place during this period in the sphere of *national relationships* in the U.S.S.R.

Such is the sum total of changes which have taken place in the sphere of the economic and social-political life of the U.S.S.R. in the period from 1924 to 1936.

III

THE PRINCIPAL SPECIFIC FEATURES OF THE DRAFT CONSTITUTION

How are all these changes in the life of the U.S.S.R. reflected in the Draft of the new Constitution?

In other words: What are the principal specific features of the Draft Constitution submitted for consideration to the present Congress?

The Constitution Commission was instructed to amend the text of the Constitution of 1924. The work of the Constitution Commission has resulted in a new text of the Constitution, a Draft of a new Constitution of the U.S.S.R. In drafting the new Constitution, the Constitution Commission proceeded from the proposition that a constitution must not be confused with a program. This means that there is an essential difference between a program and a constitution. Whereas a program speaks of that which does not yet exist, of that which has yet to be achieved and won in the future, a constitution, on the contrary, must speak of that which already exists, of that which

has already been achieved and won now, at the present time. A program deals mainly with the future, a constitution with the present.

Two examples by way of illustration.

Our Soviet society has already, in the main, succeeded in achieving Socialism; it has created a socialist system, i.e., it has brought about what Marxists in other words call the first, or lower, phase of Communism. Hence, in the main, we have already achieved the first phase of Communism, Socialism. (*Prolonged applause.*) The fundamental principle of this phase of Communism is, as you know, the formula: "From each according to his ability, to each according to his work." Should our Constitution reflect this fact, the fact that Socialism has been achieved? Should it be based on this achievement? Unquestionably, it should. It should, because for the U.S.S.R. Socialism is something already achieved and won.

But Soviet society has not yet reached the higher phase of Communism, in which the ruling principle will be the formula: "From each according to his ability, to each according to his needs," although it sets itself the aim of achieving the higher phase of Communism in the future. Can our Constitution be based on the higher phase of Communism, which does not yet exist and which has still to be achieved? No, it cannot, because for the U.S.S.R. the higher phase of Communism is something that has not yet been realized, and

which has to be realized in the future. It cannot, if it is not to be converted into a program or a declaration of future achievements.

Such are the limits of our Constitution at the present historical moment.

Thus, the Draft of the new Constitution is a summary of the path that has been traversed, a summary of the gains already achieved. In other words, it is the registration and legislative embodiment of what has already been achieved and won in actual fact. (*Loud applause.*)

That is the first specific feature of the Draft of the new Constitution of the U.S.S.R.

Further. The constitutions of bourgeois countries usually proceed from the conviction that the capitalist system is immutable. The main foundation of these constitutions consists of the principles of capitalism, of its main pillars: the private ownership of the land, forests, factories, works, and other instruments and means of production; the exploitation of man by man and the existence of exploiters and exploited; insecurity for the toiling majority at one pole of society, and luxury for the nontoiing but secure minority at the other pole, etc., etc. They rest on these and similar pillars of capitalism. They reflect them, they embody them in law.

Unlike these, the Draft of the new Constitution of the U.S.S.R. proceeds from the fact that the capitalist system has been liquidated, and that

the socialist system has triumphed in the U.S.S.R. The main foundation of the Draft of the new Constitution of the U.S.S.R. is the principles of Socialism, whose main pillars are things that have already been achieved and realized: the socialist ownership of the land, forests, factories, works and other instruments and means of production; the abolition of exploitation and of exploiting classes; the abolition of poverty for the majority and of luxury for the minority; the abolition of unemployment; work as an obligation and an honourable duty for every able-bodied citizen, in accordance with the formula: "He who does not work, neither shall he eat"; the right to work, i. e., the right of every citizen to guaranteed employment; the right to rest and leisure; the right to education, etc., etc. The Draft of the new Constitution rests on these and similar pillars of Socialism. It reflects them, it embodies them in law.

Such is the second specific feature of the Draft of the new Constitution.

Further. Bourgeois constitutions tacitly proceed from the premise that society consists of antagonistic classes, of classes which own wealth and classes which do not own wealth; that no matter what party comes into power, the guidance of society by the state (the dictatorship) must be in the hands of the bourgeoisie; that a constitution is needed for the purpose of consolidating

a social order desired by and beneficial to the propertied classes.

Unlike bourgeois constitutions, the Draft of the new Constitution of the U.S.S.R. proceeds from the fact that there are no longer any antagonistic classes in society; that society consists of two friendly classes, of workers and peasants; that it is these classes, the labouring classes, that are in power; that the guidance of society by the state (the dictatorship) is in the hands of the working class, the most advanced class in society; that a constitution is needed for the purpose of consolidating a social order desired by and beneficial to the working people.

Such is the third specific feature of the Draft of the new Constitution.

Further, Bourgeois constitutions tacitly proceed from the premise that nations and races cannot have equal rights, that there are nations with full rights and nations without full rights, and that, in addition, there is a third category of nations or races, for example in the colonies, which have even fewer rights than the nations without full rights. This means that, at bottom, all these constitutions are nationalistic, i. e., constitutions of ruling nations.

Unlike these constitutions, the Draft of the new Constitution of the U.S.S.R. is, on the contrary, profoundly internationalistic. It proceeds from the proposition that all nations and races have equal

rights. It proceeds from the fact that neither difference in colour or language, cultural level, or level of political development, nor any other difference between nations and races, can serve as grounds for justifying national inequality of rights. It proceeds from the proposition that all nations and races, irrespective of their past and present position, irrespective of their strength or weakness, should enjoy equal rights in all spheres of the economic, social, political and cultural life of society.

Such is the fourth specific feature of the Draft of the new Constitution.

The fifth specific feature of the Draft of the new Constitution is its consistent and thoroughgoing democratism. From the standpoint of democratism bourgeois constitutions may be divided into two groups: One group of constitutions openly denies, or actually nullifies, the equality of rights of citizens and democratic liberties. The other group of constitutions readily accepts, and even advertises, democratic principles, but at the same time it makes reservations and provides for restrictions which utterly mutilate these democratic rights and liberties. They speak of equal suffrage for all citizens, but at the same time limit it by residential, educational, and even property qualifications. They speak of equal rights for citizens, but at the same time they make the reservation that this does not apply to women, or applies to them only in part. And so on and so forth.

What distinguishes the Draft of the new Constitution of the U.S.S.R. is the fact that it is free from such reservations and restrictions. For it, there exists no division of citizens into active and passive ones; for it, all citizens are active. It does not recognize any difference in rights as between men and women, "residents" and "nonresidents," propertied and propertyless, educated and uneducated. For it, all citizens have equal rights. It is not property status, not national origin, not sex, nor office, but personal ability and personal labour, that determines the position of every citizen in society.

Lastly, there is still one more specific feature of the Draft of the new Constitution. Bourgeois constitutions usually confine themselves to stating the formal rights of citizens, without bothering about the conditions for the exercise of these rights, about the opportunity of exercising them, about the means by which they can be exercised. They speak of the equality of citizens, but forget that there cannot be real equality between employer and workman, between landlord and peasant, if the former possess wealth and political weight in society while the latter are deprived of both—if the former are exploiters while the latter are exploited. Or again: they speak of freedom of speech, assembly, and the press, but forget that all these liberties may be merely a hollow sound for the working class, if the latter cannot have access

to suitable premises for meetings, good printing shops, a sufficient quantity of printing paper, etc.

What distinguishes the Draft of the new Constitution is the fact that it does not confine itself to stating the formal rights of citizens, but especially stresses the guarantees of these rights, the means by which these rights can be exercised. It does not merely proclaim equality of rights for citizens, but ensures it by giving legislative embodiment to the fact that the regime of exploitation has been abolished, to the fact that the citizens have been emancipated from all exploitation. It does not merely proclaim the right to work, but ensures it by giving legislative embodiment to the fact that there are no crises in Soviet society, and that unemployment has been abolished. It does not merely proclaim democratic liberties, but legislatively ensures them by providing definite material resources. It is clear, therefore, that the democratism of the Draft of the new Constitution is not the "ordinary" and "universally recognized" democratism in the abstract, but *socialist* democratism.

These are the principal specific features of the Draft of the new Constitution of the U.S.S.R.

This is the way the Draft of the new Constitution reflects the progress and changes that have been brought about in the economic and social-political life of the U.S.S.R. in the period from 1924 to 1936.

IV

BOURGEOIS CRITICISM OF THE DRAFT CONSTITUTION

A few words about bourgeois criticism of the Draft Constitution.

The question of the attitude of the foreign bourgeois press towards the Draft Constitution is undoubtedly of some interest. Inasmuch as the foreign press reflects the public opinion of the various sections of the population of bourgeois countries, we cannot ignore its criticism of the Draft Constitution.

The first reaction of the foreign press to the Draft Constitution was expressed in a definite tendency—to hush up the Draft Constitution. I am referring here to the most reactionary press, the fascist press. This group of critics thought it best simply to hush up the Draft Constitution and to pretend that there is no such draft, and never has been. It may be said that silence is not criticism. But that is not true. The method of keeping silent, as a special method of ignoring things, is also a form of criticism—a stupid and ridiculous

form, it is true, but a form of criticism, for all that. (*General laughter and applause.*) But their method of keeping silent did not work. In the end they were obliged to open the valve and to inform the world that, sad though it may be, a Draft Constitution of the U.S.S.R. does exist, and not only does it exist but it is beginning to exercise a pernicious influence on people's minds. Nor could it be otherwise; for, after all, there is such a thing as public opinion in the world, there is the reading public, living people, who want to know the facts, and it is quite impossible to hold them in the vise of deception for long. Deception does not carry one far....

The *second* group of critics admits that there really is such a thing as a Draft Constitution, but considers that the draft is not of much interest, because it is really not a Draft Constitution but a scrap of paper, an empty promise, with the idea of performing a certain manoeuvre to deceive people. And they add that the U.S.S.R. could not produce a better draft, because the U.S.S.R. itself is not a state, but only a geographical concept (*general laughter*), and since it is not a state, its Constitution cannot be a real constitution. A typical representative of this group of critics is, strange as this may appear, the German semiofficial organ, *Deutsche Diplomatisch-Politische Korrespondenz*. This journal bluntly declares that the Draft Constitution of the U.S.S.R. is an empty,

promise, a fraud, a "Potemkin village." It unhesitatingly declares that the U.S.S.R. is not a state, that the U.S.S.R. "is nothing more nor less than a strictly defined geographical concept" (*general laughter*), and that in view of this, the Constitution of the U.S.S.R. cannot be regarded as a real constitution.

What can one say about such critics, so-called?

In one of his tales the great Russian writer Shchedrin portrays a pigheaded bureaucrat, very narrow-minded and obtuse, but self-confident and zealous to the extreme. After this bureaucrat had established "order and tranquillity" in the region "under his charge," having exterminated thousands of its inhabitants and burned down scores of towns in the process, he looked around him, and on the horizon espied America—a country little known, of course, where, it appears, there are liberties of some sort or other which serve to agitate the people, and where the state is administered in a different way. The bureaucrat espied America and became indignant: What country is that, how did it get there, by what right does it exist? (*Laughter and applause.*) Of course, it was discovered accidentally several centuries ago, but couldn't it be shut up again so that it should never be heard of again? (*General laughter.*) Thereupon he wrote an order: "Shut America up again!" (*General laughter.*)

It seems to me that the gentlemen of the *Deutsche Diplomatisch-Politische Korrespondenz* and Shchedrin's bureaucrat are as like as two peas. (*General laughter and applause.*) The U.S.S.R. has long been an eyesore to these gentlemen. For nineteen years the U.S.S.R. has stood like a beacon, spreading the spirit of emancipation among the working class all over the world and rousing the fury of the enemies of the working class. And it turns out that this U.S.S.R. not only exists, but is even growing; is not only growing, but is even flourishing; and is not only flourishing, but is even composing a Draft of a new Constitution, a draft which is stirring the minds and inspiring the oppressed classes with new hope. (*Applause.*) How can the gentlemen of the German semiofficial organ be anything but indignant after this? What sort of country is this?—they howl; by what right does it exist? (*General laughter.*) And if it was discovered in October 1917, why can't it be shut up so that it should never be heard of again? Thereupon they resolved: Shut the U.S.S.R. up again; proclaim publicly that the U.S.S.R., as a state, does not exist, that the U.S.S.R. is nothing but a mere geographical concept! (*General laughter.*)

In writing his order to shut America up again, Shchedrin's bureaucrat, despite all his obtuseness, evinced some sense of reality by adding to him-

self: "However, it seems that same is not in my power." (*Roars of laughter and applause.*) I do not know whether the gentlemen of the German semiofficial organ are endowed with sufficient intelligence to suspect that—while, of course, they can "shut up" this or that country on paper—speaking seriously, however, "same is not in their power...." (*Roars of laughter and applause.*)

As for the Constitution of the U.S.S.R. being an empty promise, a "Potemkin village," etc., I would like to refer to a number of established facts which speak for themselves.

In 1917 the peoples of the U.S.S.R. overthrew the bourgeoisie and established the dictatorship of the proletariat, established the Soviet power. This is a fact, not a promise.

Further, the Soviet power eliminated the landlord class and transferred to the peasants over 150,000,000 hectares of former landlord, government, and monasterial lands, over and above the lands which were already in the possession of the peasants. This is a fact, not a promise.

Further, the Soviet power expropriated the capitalist class, took away their banks, factories, railways, and other instruments and means of production, declared these to be socialist property, and placed at the head of these enterprises the best members of the working class. This is a fact, not a promise. (*Prolonged applause.*)

Further, having organized industry and agriculture on new, socialist lines, with a new technical base, the Soviet power has today attained a position where agriculture in the U.S.S.R. is producing one and a half times as much as was produced in prewar times, where industry is producing seven times more than was produced in prewar times, and where the national income has increased fourfold compared with prewar times. All these are facts, not promises. (*Prolonged applause.*)

Further, the Soviet power has abolished unemployment, has introduced the right to work, the right to rest and leisure, the right to education, has provided better material and cultural conditions for the workers, peasants and intelligentsia, and has ensured the introduction of universal, direct and equal suffrage with secret ballot for its citizens. All these are facts, not promises. (*Prolonged applause.*)

Finally, the U.S.S.R. has produced the Draft of a new Constitution which is not a promise but the registration and legislative embodiment of these generally known facts, the registration and legislative embodiment of what has already been achieved and won.

One may ask: In view of all this, what can all the talk of the gentlemen of the German semi-official organ about "Potemkin villages" amount to but an attempt on their part to conceal from

the people the truth about the U.S.S.R., to mislead the people, to deceive them.

Such are the facts. And facts, it is said, are stubborn things. The gentlemen of the German semiofficial organ may say: So much the worse for the facts. (*Laughter.*) But then, we can answer them in the words of the well-known Russian proverb: "There is no telling what a fool will do." (*Laughter and prolonged applause.*)

The *third* group of critics are not averse to recognizing certain merits in the Draft Constitution; they regard it as a good thing; but, you see, they doubt very much whether a number of its principles can be applied in practice, because they are convinced that these principles are generally impracticable and must remain a dead letter. These, to put it mildly, are sceptics. These sceptics are to be found in all countries.

It must be said that this is not the first time we have met them. When the Bolsheviks took power in 1917 the sceptics said: The Bolsheviks are not bad fellows, perhaps, but nothing will come of their government; they will fail. Actually, it turned out, however, that it was not the Bolsheviks who failed, but the sceptics.

During the Civil War and foreign intervention this group of sceptics said: The Soviet power is not a bad thing, of course, but Denikin and Kolchak, plus the foreigners, will, we venture to say, come out on top. Actually, it turned out,

however, that the sceptics were wrong again in their calculations.

When the Soviet government published the First Five-Year Plan the sceptics again appeared on the scene saying: The Five-Year Plan is a good thing, of course, but it is hardly feasible; the Bolsheviki's Five-Year Plan is not likely to succeed. The facts proved, however, that once again the sceptics had bad luck: the Five-Year Plan was carried out in four years.

The same must be said about the Draft of the new Constitution and the criticism levelled against it by the sceptics. No sooner was the draft published than this group of critics again appeared on the scene with their gloomy scepticism and their doubts as to the practicability of certain principles of the Constitution. There is not the slightest ground for doubt that in this case, too, the sceptics will fail, that they will fail today as they have failed more than once in the past.

The *fourth* group of critics, in attacking the Draft of the new Constitution, characterize it as a "swing to the Right," as the "abandonment of the dictatorship of the proletariat," as the "liquidation of the Bolshevik regime." "The Bolsheviki have swung to the Right, that is a fact," they declare in a chorus of different voices. Particularly zealous in this respect are certain Polish newspapers, and also some American newspapers.

What can one say about these critics, so-called?

If the broadening of the basis of the dictatorship of the working class and the transformation of the dictatorship into a more flexible, and, consequently, a more powerful system of guidance of society by the state is interpreted by them not as strengthening the dictatorship of the working class but as weakening it, or even abandoning it, then it is legitimate to ask: Do these gentlemen really know what the dictatorship of the working class means?

If the legislative embodiment given to the victories of Socialism, the legislative embodiment given to the successes of industrialization, collectivization and democratization is represented by them as a "swing to the Right," then it is legitimate to ask: Do these gentlemen really know the difference between left and right? (*General laughter and applause.*)

There can be no doubt that these gentlemen have entirely lost their way in their criticism of the Draft Constitution, and, having lost their way, they confuse right with left.

One cannot help recalling, in this connection, the "wench" Pelageya in Gogol's *Dead Souls*. Gogol relates that Pelageya offered to act as guide to Chichikov's coachman, Seliphan; but not knowing the right side of the road from the left, she lost her way and got into an embarrassing situation. It must be admitted that, notwithstanding all

their pretensions, the intelligence of our critics on the Polish newspapers is not much above that of the "wench" Pelageya in *Dead Souls*. (*Applause.*) If you remember, the coachman Seliphan thought fit to chide Pelageya for confusing right with left and said to her: "Oh, you, dirty legs . . . you don't know which is right and which is left." It seems to me that our luckless critics should be chided in the same way: "Oh, you, sorry critics . . . you don't know which is right and which is left." (*Prolonged applause.*)

Finally, there is yet another group of critics. While the last mentioned group accuses the Draft Constitution of abandoning the dictatorship of the working class, this group, on the contrary, accuses it of not changing anything in the existing position in the U.S.S.R., of leaving the dictatorship of the working class intact, of not granting freedom to political parties, and of preserving the present leading position of the Communist Party in the U.S.S.R. And this group of critics maintains that the absence of freedom for parties in the U.S.S.R. is a symptom of the violation of the principles of democratism.

I must admit that the Draft of the new Constitution does preserve the regime of the dictatorship of the working class, just as it also preserves unchanged the present leading position of the Communist Party of the U.S.S.R. (*Loud applause.*) If the esteemed critics regard this as a

flaw in the Draft Constitution, that is only to be regretted. We Bolsheviks regard it as a merit of the Draft Constitution. (*Loud applause.*)

As to freedom for various political parties, we adhere to somewhat different views. A party is a part of a class, its most advanced part. Several parties, and, consequently, freedom for parties, can exist only in a society in which there are antagonistic classes whose interests are mutually hostile and irreconcilable—in which there are, say, capitalists and workers, landlords and peasants, kulaks and poor peasants, etc. But in the U.S.S.R. there are no longer such classes as the capitalists, the landlords, the kulaks, etc. In the U.S.S.R. there are only two classes, workers and peasants, whose interests—far from being mutually hostile—are, on the contrary, friendly. Hence, there is no ground in the U.S.S.R. for the existence of several parties, and, consequently, for freedom for these parties. In the U.S.S.R. there is ground only for one party, the Communist Party. In the U.S.S.R. only one party can exist, the Communist Party, which courageously defends the interests of the workers and peasants to the very end. And that it defends the interests of these classes not at all badly, of that there can hardly be any doubt. (*Loud applause.*)

They talk of democracy. But what is democracy? Democracy in capitalist countries, where there are antagonistic classes, is, in the last anal-

ysis, democracy for the strong, democracy for the propertied minority. In the U.S.S.R., on the contrary, democracy is democracy for the working people, i. e., democracy for all. But from this it follows that the principles of democratism are violated, not by the Draft of the new Constitution of the U.S.S.R., but by the bourgeois constitutions. That is why I think that the Constitution of the U.S.S.R. is the only thoroughly democratic Constitution in the world.

Such is the position with regard to the bourgeois criticism of the Draft of the new Constitution of the U.S.S.R.

V

AMENDMENTS AND ADDENDA TO THE DRAFT CONSTITUTION

Let us pass on to the amendments and addenda to the Draft Constitution proposed by citizens during the nation-wide discussion of the draft.

The nation-wide discussion of the Draft Constitution, as you know, produced a fairly large number of amendments and addenda. These have all been published in the Soviet press. In view of the great variety of amendments and the fact that they are not all of equal value, they should, in my opinion, be divided into three categories.

The distinguishing feature of the amendments in the first category is that they deal not with constitutional questions but with questions which come within the scope of the current legislative work of the future legislative bodies. Certain questions concerning social insurance, some questions concerning collective-farm development, some questions concerning industrial development, financial questions—such are the subjects with which these amendments deal. Evidently the

1 authors of these amendments were not clear as to the difference between constitutional questions and questions of current legislation. That is why they strive to squeeze as many laws as possible into the Constitution, thus tending to convert the Constitution into something in the nature of a code of laws. But a constitution is not a code of laws. A constitution is the fundamental law, and only the fundamental law. A constitution does not preclude but presupposes current legislative work on the part of the future legislative bodies. A constitution provides the juridical basis for the future legislative activities of these bodies. Therefore, amendments and addenda of this kind, which have no direct bearing on the Constitution, should, in my opinion, be referred to the future legislative bodies of the country.

To the second category should be assigned those amendments and addenda which strive to introduce into the Constitution elements of historical references, or elements of declarations concerning what the Soviet power has not yet achieved and what it should achieve in the future. To describe in the Constitution the difficulties the Party, the working class, and all the working people have overcome during the long years of struggle for the victory of Socialism; to indicate in the Constitution the ultimate goal of the Soviet movement, i.e., the building of a complete communist society—such are the subjects with which

these amendments deal, in different variations. I think that such amendments and addenda should also be set aside as having no direct bearing on the Constitution. The Constitution is the registration and legislative embodiment of the gains that have already been achieved and secured. Unless we want to distort this fundamental character of the Constitution, we must refrain from filling it with historical references to the past, or with declarations concerning the future achievements of the working people of the U.S.S.R. For this we have other means and other documents.

Finally, to the third category should be assigned amendments and addenda which have a direct bearing on the Draft Constitution.

A large number of amendments in this category are simply a matter of wording. They could therefore be referred to the Drafting Commission of the present Congress which I think the Congress will set up, with instructions to decide on the final text of the new Constitution.

As for the rest of the amendments in the third category, they are of greater material significance, and in my opinion a few words should be said about them.

1. First of all about the amendments to Article 1 of the Draft Constitution. There are four amendments. Some propose that we substitute for the words "state of workers and peasants" the words "state of working people." Others propose

that we add the words "and working intelligentsia" to the words "state of workers and peasants." A third group proposes that we substitute for the words "state of workers and peasants" the words "state of all the races and nationalities inhabiting the territory of the U.S.S.R." A fourth group proposes that we substitute for the word "peasants" the words "collective farmers" or "toilers of socialist agriculture."

Should these amendments be adopted? I think they should not.

What does Article 1 of the Draft Constitution speak of? It speaks of the class composition of Soviet society. Can we Marxists ignore the question of the class composition of our society in the Constitution? No, we cannot. As we know, Soviet society consists of two classes, workers and peasants. And it is of this that Article 1 of the Draft Constitution speaks. Consequently, Article 1 of the Draft Constitution properly reflects the class composition of our society. It may be asked: What about the working intelligentsia? The intelligentsia has never been a class, and never can be a class—it was and remains a stratum, which recruits its members from among all classes of society. In the old days the intelligentsia recruited its members from the ranks of the nobility, of the bourgeoisie, partly from the ranks of the peasantry, and only to a very inconsiderable extent from the ranks of the workers. In our day, under

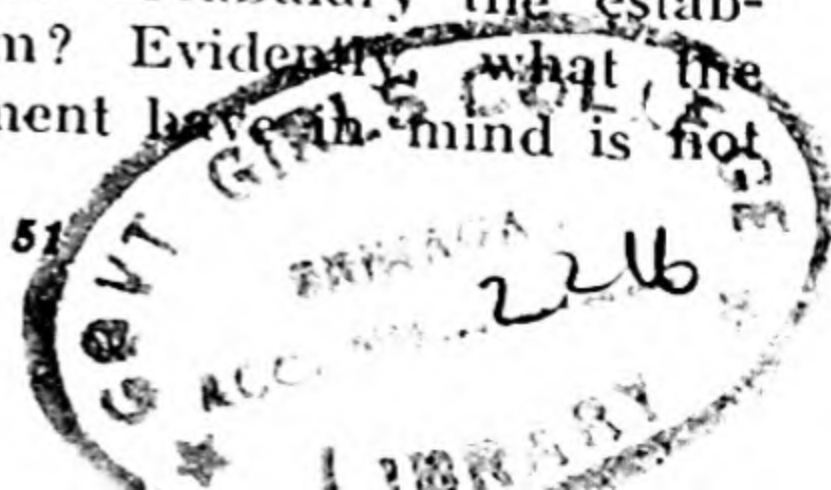
the Soviets, the intelligentsia recruits its members mainly from the ranks of the workers and peasants. But no matter where it may recruit its members, and what character it may bear, the intelligentsia is nevertheless a stratum and not a class.

Does this circumstance infringe upon the rights of the working intelligentsia? Not in the least! Article 1 of the Draft Constitution deals not with the rights of the various strata of Soviet society, but with the class composition of that society. The rights of the various strata of Soviet society, including the rights of the working intelligentsia, are dealt with mainly in Chapters X and XI of the Draft Constitution. It is evident from these chapters that the workers, the peasants, and the working intelligentsia enjoy entirely equal rights in all spheres of the economic, political, social, and cultural life of the country. Consequently, there can be no question of an infringement upon the rights of the working intelligentsia.

The same must be said of the nations and races comprising the U.S.S.R. In Chapter II of the Draft Constitution it is stated that the U.S.S.R. is a free union of nations possessing equal rights. Is it worth while repeating this formula in Article 1 of the Draft Constitution, which deals not with the national composition of Soviet society, but with its class composition? Clearly it is not worth while. As to the rights of the nations and races comprising the U.S.S.R., these are dealt

with in Chapters II, X, and XI of the Draft Constitution. From these chapters it is evident that the nations and races of the U.S.S.R. enjoy equal rights in all spheres of the economic, political, social, and cultural life of the country. Consequently, there can be no question of an infringement upon national rights.

It would also be wrong to substitute for the word "peasant" the words "collective farmer" or "toiler of socialist agriculture." In the first place, besides the collective farmers, there are still over a million households of noncollective farmers among the peasantry. What is to be done about them? Do the authors of this amendment propose to strike them off the books? That would be unwise. Secondly, the fact that the majority of the peasants have started collective farming does not mean that they have already ceased to be peasants, that they no longer have their personal economy, their own households, etc. Thirdly, for the word "worker" we would then have to substitute the words "toiler of socialist industry," which, however, the authors of the amendment for some reason or other do not propose. Finally, have the working class and the peasant class already disappeared in our country? And if they have not disappeared, is it worth while deleting from our vocabulary the established names for them? Evidently, what the authors of the amendment have in mind is not



present society, but future society, when classes will no longer exist and when the workers and peasants will have been transformed into toilers of a homogeneous communist society. Consequently, they are obviously running ahead. But in drawing up a constitution one must not proceed from the future, but from the present, from what already exists. A constitution should not and must not run ahead.

2. Then follows an amendment to Article 17 of the Draft Constitution. The amendment proposes that we completely delete from the Constitution Article 17, which reserves to the Union Republics the right of free secession from the U.S.S.R. I think that this proposal is a wrong one and therefore should not be adopted by the Congress. The U.S.S.R. is a voluntary union of Union Republics with equal rights. To delete from the Constitution the article providing for the right of free secession from the U.S.S.R. would be to violate the voluntary character of this union. Can we agree to this step? I think that we cannot and should not agree to it. It is said that there is not a single Republic in the U.S.S.R. that would want to secede from the U.S.S.R., and that therefore Article 17 is of no practical importance. It is, of course, true that there is not a single Republic that would want to secede from the U.S.S.R. But this does not in the least mean that we should not fix in the Constitution the right of

Union Republics freely to secede from the U.S.S.R. In the U.S.S.R. there is not a single Union Republic that would want to subjugate another Union Republic. But this does not in the least mean that we ought to delete from the Constitution of the U.S.S.R. the article dealing with the equality of rights of the Union Republics.

3. Then there is a proposal that we add a new article to Chapter II of the Draft Constitution, to the following effect: that on reaching the proper level of economic and cultural development Autonomous Soviet Socialist Republics may be raised to the status of Union Soviet Socialist Republics. Can this proposal be adopted? I think that it should not be adopted. It is a wrong proposal not only because of its content, but also because of the condition it lays down. Economic and cultural maturity can no more be urged as grounds for transferring Autonomous Republics to the category of Union Republics than economic or cultural backwardness can be urged as grounds for leaving any particular Republic in the list of Autonomous Republics. This would not be a Marxist, not a Leninist approach. The Tatar Republic, for example, remains an Autonomous Republic, while the Kazakh Republic is to become a Union Republic; but this does not mean that from the standpoint of cultural and economic development the Kazakh Republic is on a higher level than the Tatar Republic. The very

opposite is the case. The same can be said, for example, of the Volga German Autonomous Republic and the Kirghiz Union Republic, of which the former is on a higher cultural and economic level than the latter, although it remains an Autonomous Republic.

What are the grounds for transferring Autonomous Republics to the category of Union Republics?

There are three such grounds.

First, the republic concerned must be a border republic, not surrounded on all sides by U.S.S.R. territory. Why? Because since the Union Republics have the right to secede from the U.S.S.R., a republic, on becoming a Union Republic, must be in a position logically and actually to raise the question of secession from the U.S.S.R. And this question can be raised only by a republic which, say, borders on some foreign state, and, consequently, is not surrounded on all sides by U.S.S.R. territory. Of course, none of our Republics would actually raise the question of seceding from the U.S.S.R. But since the right to secede from the U.S.S.R. is reserved to the Union Republics, it must be so arranged that this right does not become a meaningless scrap of paper. Take, for example, the Bashkir Republic or the Tatar Republic. Let us assume that these Autonomous Republics are transferred to the category of Union Republics. Could they logically and ac-

tually raise the question of seceding from the U.S.S.R.? No, they could not. Why? Because they are surrounded on all sides by Soviet Republics and regions, and, strictly speaking, they have nowhere to go to if they secede from the U.S.S.R. (*Laughter and applause.*) Therefore, it would be wrong to transfer such Republics to the category of Union Republics.

Secondly, the nationality which gives its name to a given Soviet Republic must constitute a more or less compact majority within that republic. Take the Crimean Autonomous Republic, for example. It is a border Republic, but the Crimean Tatars do not constitute the majority in that Republic; on the contrary, they are a minority. Consequently, it would be wrong and illogical to transfer the Crimean Republic to the category of Union Republics.

Thirdly, the republic must not have too small a population; it should have a population of, say, not less but more than a million, at least. Why? Because it would be wrong to assume that a small Soviet Republic with a very small population and a small army could hope to maintain its existence as an independent state. There can hardly be any doubt that the imperialist beasts of prey would soon lay hands on it.

I think that unless these three objective grounds exist, it would be wrong at the present historical moment to raise the question of trans-

ferring any particular Autonomous Republic to the category of Union Republics.

4. Next it is proposed to delete from Articles 22, 23, 24, 25, 26, 27, 28 and 29 the detailed enumeration of the administrative territorial division of the Union Republics into territories and regions. I think that this proposal is also unacceptable. There are people in the U.S.S.R. who are always ready and eager to go on tirelessly recarving the territories and regions and thus cause confusion and uncertainty in our work. The Draft Constitution puts a check on these people. And that is very good, because here, as in many other things, we need an atmosphere of certainty, we need stability and clarity.

5. The fifth amendment concerns Article 33. The creation of two Chambers is regarded as inexpedient, and it is proposed that the Soviet of Nationalities be abolished. I think that this amendment is also wrong. A single-chamber system would be better than a dual-chamber system if the U.S.S.R. were a single-nation state. But the U.S.S.R. is not a single-nation state. The U.S.S.R., as we know, is a multinational state. We have a supreme body in which are represented the *common* interests of all the working people of the U.S.S.R. irrespective of nationality. This is the Soviet of the Union. But in addition to common interests, the nationalities of the U.S.S.R. have *their particular, specific* interests,

connected with their specific national characteristics. Can these specific interests be ignored? No, they cannot. Do we need a special supreme body to reflect precisely these specific interests? Unquestionably, we do. There can be no doubt that without such a body it would be impossible to administer a multinational state like the U.S.S.R. Such a body is the second Chamber, the Soviet of Nationalities of the U.S.S.R.

Reference is made to the parliamentary history of European and American states; it is pointed out that the dual-chamber system in these countries has produced only negative results—that the second chamber usually degenerates into a centre of reaction and a brake on progress. All that is true. But this is due to the fact that in those countries there is no equality between the two chambers. As we know, the second chamber is not infrequently granted more rights than the first chamber, and, moreover, as a rule the second chamber is constituted undemocratically, its members not infrequently being appointed from above. Undoubtedly, these defects will be obviated if equality is established between the chambers and if the second chamber is constituted as democratically as the first.

6. Further, an addendum to the Draft Constitution is proposed calling for an equal number of members in both Chambers. I think that this proposal might be adopted. In my opinion, it

has obvious political advantages, for it emphasizes the equality of the Chambers.

7. Next comes an addendum to the Draft Constitution which proposes that the members of the Soviet of Nationalities be elected by direct vote, as in the case of the members of the Soviet of the Union. I think that this proposal might also be adopted. True, it may create certain technical inconveniences during elections; but, on the other hand, it would be of great political advantage, for it would enhance the prestige of the Soviet of Nationalities.

8. Then follows an addendum to Article 40, proposing that the Presidium of the Supreme Soviet be granted the right to pass provisional acts of legislation. I think that this addendum is wrong and should not be adopted by the Congress. It is time we put an end to a situation in which not one but a number of bodies legislate. Such a situation runs counter to the principle that laws should be stable. And we need stability of laws now more than ever. Legislative power in the U.S.S.R. must be exercised only by one body, the Supreme Soviet of the U.S.S.R.

9. Further, an addendum is proposed to Article 48 of the Draft Constitution, demanding that the President of the Presidium of the Supreme Soviet of the U.S.S.R. be elected not by the Supreme Soviet of the U.S.S.R. but by the whole population of the country. I think this addendum

is wrong, because it runs counter to the spirit of our Constitution. According to the system of our Constitution there must not be an individual president in the U.S.S.R., elected by the whole population on a par with the Supreme Soviet, and able to put himself in opposition to the Supreme Soviet. The president in the U.S.S.R. is a collegium, it is the Presidium of the Supreme Soviet, including the President of the Presidium of the Supreme Soviet, elected, not by the whole population, but by the Supreme Soviet, and accountable to the Supreme Soviet. Historical experience shows that such a structure of the supreme bodies is the most democratic, and safeguards the country against undesirable contingencies.

10. Then follows an amendment to the same Article 48. It reads as follows: that the number of Vice-Presidents of the Presidium of the Supreme Soviet of the U.S.S.R. be increased to eleven, one from each Union Republic. I think that this amendment might be adopted, for it would be an improvement and would only enhance the prestige of the Presidium of the Supreme Soviet of the U.S.S.R.

11. Then follows an amendment to Article 77. It calls for the organization of a new All-Union People's Commissariat—the People's Commissariat of the Defence Industry. I think that this amendment should likewise be accepted (*ap-*

plause), for the time has arrived to separate our defence industry and have a corresponding People's Commissariat for it. It seems to me that this would only improve the defence of our country.

12. Next follows an amendment to Article 124 of the Draft Constitution, demanding that the article be changed to provide for the prohibition of the performance of religious rites. I think that this amendment should be rejected as running counter to the spirit of our Constitution.

13. Finally, there is one other amendment of a more or less material character. I am referring to an amendment to Article 135 of the Draft Constitution. It proposes that ministers of religion, former Whiteguards, all the former rich, and persons not engaged in socially useful occupations be disfranchised, or, at all events, that the franchise of people in this category be restricted to the right to elect, but not to be elected. I think that this amendment should likewise be rejected. The Soviet power disfranchised the nonworking and exploiting elements not for all time, but temporarily, up to a certain period. There was a time when these elements waged open war against the people and actively resisted the Soviet laws. The Soviet law depriving them of the franchise was the Soviet power's reply to this resistance. Quite some time has elapsed since then. During this period we have succeeded in abolishing the exploiting classes, and the Soviet power

has become an invincible force. Has not the time arrived for us to revise this law? I think the time has arrived. It is said that this is dangerous, as elements hostile to the Soviet power, some of the former Whiteguards, kulaks, priests, etc., may worm their way into the supreme governing bodies of the country. But what is there to be afraid of? If you are afraid of wolves, keep out of the woods. (*Laughter and loud applause.*) In the first place, not all the former kulaks, Whiteguards and priests are hostile to the Soviet power. Secondly, if the people in some place or other do elect hostile persons, that will show that our propaganda work was very badly organized, and we shall fully deserve such a disgrace; if, however, our propaganda work is conducted in a Bolshevik way, the people will not let hostile persons slip into the supreme governing bodies. This means that we must work and not whine (*loud applause*), we must work and not wait to have everything put before us ready-made by official order. As far back as 1919, Lenin said that the time was not far distant when the Soviet power would deem it expedient to introduce universal suffrage without any restrictions. Please note: *without any restrictions*. He said this at a time when foreign military intervention had not yet been overcome, and when our industry and agriculture were in a desperate condition. Since then, seventeen years have elapsed.

Comrades, is it not time we carried out Lenin's behest? I think it is.

Here is what Lenin said in 1919 in his *Draft Program of the Communist Party of Russia (Bolsheviks)*. Permit me to read it:

"The Russian Communist Party must explain to the masses of the working people, in order to avoid a wrong generalization of transient historical needs, that the disfranchisement of a section of citizens does not in the Soviet Republic affect, as has been the case in the majority of bourgeois-democratic republics, a definite category of citizens disfranchised for life, but applies only to the exploiters, only to those who, in violation of the fundamental laws of the Socialist Soviet Republic, persist in defending their position as exploiters, in preserving capitalist relationships. Consequently, in the Soviet Republic, on the one hand, every day of added strength for Socialism and diminution in the number of those who have objective possibilities of remaining exploiters or of preserving capitalist relationships, automatically reduces the percentage of disfranchised persons. In Russia at the present time this percentage is hardly more than two or three per cent. On the other hand, in the not distant future the cessation of foreign invasion and the completion of the expro-

priation of the expropriators may, under certain conditions, create a situation in which the proletarian state power will choose other methods of suppressing the resistance of the exploiters and will introduce universal suffrage *without any restrictions.*"* (Lenin, *Collected Works*, Russ. ed., Vol. XXIV, p.94.)

That is clear, I think.

Such is the position with regard to the amendments and addenda to the Draft Constitution of the U.S.S.R.

* My italics.—J. St.

VI

THE SIGNIFICANCE OF THE NEW CONSTITUTION OF THE U.S.S.R.

Judging by the results of the nation-wide discussion, which lasted nearly five months, it may be presumed that the Draft Constitution will be approved by the present Congress. (*Loud applause and cheers. All rise.*)

In a few days' time the Soviet Union will have a new, socialist Constitution, built on the principles of fully developed socialist democracy.

It will be an historical document dealing in simple and concise terms, almost in the style of minutes, with the facts of the victory of Socialism in the U.S.S.R., with the facts of the emancipation of the working people of the U.S.S.R. from capitalist slavery, with the facts of the victory in the U.S.S.R. of full and thoroughly consistent democracy.

It will be a document testifying to the fact that what millions of honest people in capitalist countries have dreamed of and still dream of has

already been realized in the U.S.S.R. (*Loud applause.*)

It will be a document testifying to the fact that what has been realized in the U.S.S.R. is fully possible of realization in other countries also. (*Loud applause.*)

But from this it follows that the international significance of the new Constitution of the U.S.S.R. can hardly be exaggerated.

Today, when the turbid wave of fascism is bespattering the socialist movement of the working class and besmirching the democratic aspirations of the best people in the civilized world, the new Constitution of the U.S.S.R. will be an indictment against fascism, declaring that Socialism and democracy are invincible. (*Applause.*) The new Constitution of the U.S.S.R. will give moral assistance and real support to all those who are today fighting fascist barbarism. (*Loud applause.*)

Still greater is the significance of the new Constitution of the U.S.S.R. for the peoples of the U.S.S.R. While for the peoples of capitalist countries the Constitution of the U.S.S.R. will have the significance of a program of action, it is significant for the peoples of the U.S.S.R. as the summary of their struggles, a summary of their victories in the struggle for the emancipation of mankind. After the path of struggle and privation that has been traversed, it gives pleasure

and happiness to have our Constitution, which treats of the fruits of our victories. It gives pleasure and happiness to know what our people fought for and how they achieved this victory of world-wide historical importance. It gives pleasure and happiness to know that the blood our people shed so plentifully was not shed in vain, that it has produced results. (*Prolonged applause.*) This arms our working class, our peasantry, our working intelligentsia spiritually. It impels them forward and rouses a sense of legitimate pride. It increases confidence in our strength and mobilizes us for fresh struggles for the achievement of new victories of Communism. (*Thunderous ovation. All rise. A thunderous "Hurrah!" Shouts from all parts of the hall: "Long live Comrade Stalin!" All stand and sing the "Internationale," after which the ovation is resumed. Shouts of "Long live our leader, Comrade Stalin, Hurrah!"*)

CONSTITUTION
(FUNDAMENTAL LAW)
OF THE UNION OF SOVIET
SOCIALIST REPUBLICS

AS AMENDED AND ADDED TO AT THE FIRST,
THIRD, FOURTH AND FIFTH SESSIONS
OF THE SUPREME SOVIET OF THE U.S.S.R.
SECOND CONVOCATION

CHAPTER I

THE SOCIAL STRUCTURE



ARTICLE 1

The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

ARTICLE 2

The political foundation of the U.S.S.R. is the Soviets of Working People's Deputies, which grew and became strong as a result of the overthrow of the power of the landlords and capitalists and the conquest of the dictatorship of the proletariat.

ARTICLE 3

All power in the U.S.S.R. belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

ARTICLE 4

The economic foundation of the U.S.S.R. is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man.

ARTICLE 5

Socialist property in the U.S.S.R. exists either in the form of state property (belonging to the whole people) or in the form of cooperative and collective-farm property (property of collective farms, property of cooperative societies).

ARTICLE 6

The land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

ARTICLE 7

The common enterprises of collective farms and cooperative organizations, with their livestock and implements, the products of the collective farms and cooperative organizations, as well as their common buildings, constitute the common, socialist property of the collective farms and cooperative organizations.

Every household in a collective farm, in addition to its basic income from the common, collective-farm enterprise, has for its personal use a small plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements—in accordance with the rules of the agricultural artel.

ARTICLE 8

The land occupied by collective farms is secured to them for their use free of charge and for an unlimited time, that is, in perpetuity.

ARTICLE 9

Alongside the socialist system of economy, which is the predominant form of economy in the U.S.S.R., the law permits the small private

economy of individual peasants and handicraftsmen based on their own labour and precluding the exploitation of the labour of others.

ARTICLE 10

The personal property right of citizens in their incomes and savings from work, in their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

ARTICLE 11

The economic life of the U.S.S.R. is determined and directed by the state national-economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the U.S.S.R. and strengthening its defensive capacity.

ARTICLE 12

Work in the U.S.S.R. is a duty and a matter of honour for every able-bodied citizen, in ac-

cordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the U.S.S.R. is that of Socialism: "From each according to his ability, to each according to his work."

CHAPTER II
THE STATE STRUCTURE



ARTICLE 13

The Union of Soviet Socialist Republics is a federal state, formed on the basis of a voluntary union of equal Soviet Socialist Republics, namely:

The Russian Soviet Federative Socialist Republic

The Ukrainian Soviet Socialist Republic

The Byelorussian Soviet Socialist Republic

The Uzbek Soviet Socialist Republic

The Kazakh Soviet Socialist Republic

The Georgian Soviet Socialist Republic

The Azerbaijan Soviet Socialist Republic

The Lithuanian Soviet Socialist Republic

The Moldavian Soviet Socialist Republic

The Latvian Soviet Socialist Republic

The Kirghiz Soviet Socialist Republic

The Tajik Soviet Socialist Republic

The Armenian Soviet Socialist Republic

The Turkmen Soviet Socialist Republic
The Estonian Soviet Socialist Republic
The Karelo-Finnish Soviet Socialist Republic.

ARTICLE 14

The jurisdiction of the Union of Soviet Socialist Republics, as represented by its higher organs of state power and organs of state administration, embraces:

a) Representation of the U.S.S.R. in international relations, conclusion, ratification and denunciation of treaties of the U.S.S.R. with other states, establishment of general procedure governing the relations of Union Republics with foreign states;

b) Questions of war and peace;

c) Admission of new republics into the U.S.S.R.;

d) Control over the observance of the Constitution of the U.S.S.R., and ensuring conformity of the Constitutions of the Union Republics with the Constitution of the U.S.S.R.;

e) Confirmation of alterations of boundaries between Union Republics;

f) Confirmation of the formation of new Territories and Regions and also of new Autonomous Republics and Autonomous Regions within Union Republics;

- g) Organization of the defence of the U.S.S.R., direction of all the Armed Forces of the U.S.S.R., determination of directing principles governing the organization of the military formations of the Union Republics;
- h) Foreign trade on the basis of state monopoly;
- i) Safeguarding the security of the state;
- j) Determination of the national-economic plans of the U.S.S.R.;
- k) Approval of the consolidated state budget of the U.S.S.R. and of the report on its fulfilment; determination of the taxes and revenues which go to the Union, the Republican and the local budgets;
- l) Administration of the banks, industrial and agricultural institutions and enterprises and trading enterprises of all-Union importance;
- m) Administration of transport and communications;
- n) Direction of the monetary and credit system;
- o) Organization of state insurance;
- p) Contracting and granting of loans;
- q) Determination of the basic principles of land tenure and of the use of mineral wealth, forests and waters;
- r) Determination of the basic principles in the spheres of education and public health;

s) Organization of a uniform system of national-economic statistics;

t) Determination of the principles of labour legislation;

u) Legislation concerning the judicial system and judicial procedure; criminal and civil codes;

v) Legislation concerning Union citizenship; legislation concerning rights of foreigners;

w) Determination of the principles of legislation concerning marriage and the family;

x) Issuing of all-Union acts of amnesty.

ARTICLE 15

The sovereignty of the Union Republics is limited only in the spheres defined in Article 14 of the Constitution of the U.S.S.R. Outside of these spheres each Union Republic exercises state authority independently. The U.S.S.R. protects the sovereign rights of the Union Republics.

ARTICLE 16

Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the U.S.S.R.

ARTICLE 17

The right freely to secede from the U.S.S.R. is reserved to every Union Republic.

ARTICLE 18

The territory of a Union Republic may not be altered without its consent.

ARTICLE 18a

Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

ARTICLE 18b

Each Union Republic has its own Republican military formations.

ARTICLE 19

The laws of the U.S.S.R. have the same force within the territory of every Union Republic.

ARTICLE 20

In the event of divergence between a law of a Union Republic and a law of the Union, the Union law prevails.

ARTICLE 21

Uniform Union citizenship is established for citizens of the U.S.S.R.

Every citizen of a Union Republic is a citizen of the U.S.S.R.

ARTICLE 22

The Russian Soviet Federative Socialist Republic consists of the Altai, Krasnodar, Krasnoyarsk, Primorye, Stavropol and Khabarovsk Territories; the Amur, Archangelsk, Astrakhan, Bryansk, Velikiye-Luki, Vladimir, Vologda, Voronezh, Gorky, Grozny, Ivanovo, Irkutsk, Kaliningrad, Kalinin, Kaluga, Kemerovo, Kirov, Kostroma, Crimea, Kuibyshev, Kurgan, Kursk, Leningrad, Molotov, Moscow, Murmansk, Novgorod, Novosibirsk, Omsk, Orel, Penza, Pskov, Rostov, Ryazan, Saratov, Sakhalin, Sverdlovsk, Smolensk, Stalingrad, Tambov, Tomsk, Tula, Tyumen, Ulyanovsk, Chelyabinsk, Chita, Chkalov and Yaroslavl Regions; the Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardinian, Komi, Mari, Mordovian, North Os-

setian, Udmurt, Chuvash and Yakut Autonomous Soviet Socialist Republics; and the Adygei, Gorno-Altai, Jewish, Tuva, Khakass and Cherkess Autonomous Regions.

ARTICLE 23

The Ukrainian Soviet Socialist Republic consists of the Vinnitsa, Volhynia, Voroshilovgrad, Dniepropetrovsk, Drohobych, Zhitomir, Transcarpathian, Zaporozhye, Ismail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolayev, Odessa, Poltava, Rovno, Stalino, Stanislav, Sumi, Ternopol, Kharkov, Kherson, Chernigov and Chernovtsi Regions.

ARTICLE 24

The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region.

ARTICLE 25

The Georgian Soviet Socialist Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjara Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Region.

ARTICLE 26

The Uzbek Soviet Socialist Republic consists of the Andizhan, Bukhara, Kashka-Darya, Namangan, Samarkand, Surkhan-Darya, Tashkent, Ferghana and Khorezm Regions and the Karakalpak Autonomous Soviet Socialist Republic.

ARTICLE 27

The Tajik Soviet Socialist Republic consists of the Garm, Kulyab, Leninabad and Stalinabad Regions and the Gorno-Badakhshan Autonomous Region.

ARTICLE 28

The Kazakh Soviet Socialist Republic consists of the Akmolinsk, Aktyubinsk, Alma-Ata, East Kazakhstan, Guriev, Jambul, West Kazakhstan, Karaganda, Kzyl-Orda, Kokchetav, Kustanai, Pavlodar, North Kazakhstan, Semipalatinsk, Taldykurgan and South Kazakhstan Regions.

ARTICLE 29

The Byelorussian Soviet Socialist Republic consists of the Baranovich, Bobruisk, Brest, Vi-

tebsk, Gomel, Grodno, Minsk, Moghilev, Molodechno, Pinsk, Polesseye and Polotsk Regions.

ARTICLE 29a

The Turkmen Soviet Socialist Republic consists of the Ashkhabad, Mari, Tashauz and Chardzhou Regions.

ARTICLE 29b

The Kirghiz Soviet Socialist Republic consists of the Dzhahal-Abad, Issyk-Kul, Osh, Talas, Tien-Shan and Frunze Regions.

CHAPTER III

THE HIGHER ORGANS OF STATE POWER IN THE UNION OF SOVIET SOCIALIST REPUBLICS



ARTICLE 30

The highest organ of state power in the U.S.S.R. is the Supreme Soviet of the U.S.S.R.

ARTICLE 31

The Supreme Soviet of the U.S.S.R. exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the U.S.S.R. that are accountable to the Supreme Soviet of the U.S.S.R., that is, the Presidium of the Supreme Soviet of the U.S.S.R., the Council of Ministers of the U.S.S.R., and the Ministries of the U.S.S.R.

ARTICLE 32

The legislative power of the U.S.S.R. is exercised exclusively by the Supreme Soviet of the U.S.S.R.

ARTICLE 33

The Supreme Soviet of the U.S.S.R. consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

ARTICLE 34

The Soviet of the Union is elected by the citizens of the U.S.S.R. voting by election districts on the basis of one deputy for every 300,000 of the population.

ARTICLE 35

The Soviet of Nationalities is elected by the citizens of the U.S.S.R. voting by Union Republics, Autonomous Republics, Autonomous Regions, and National Areas on the basis of twenty-five deputies from each Union Republic, eleven deputies from each Autonomous Republic, five deputies from each Autonomous Region and one deputy from each National Area.

ARTICLE 36

The Supreme Soviet of the U.S.S.R. is elected for a term of four years.

ARTICLE 37

The two Chambers of the Supreme Soviet of the U.S.S.R., the Soviet of the Union and the Soviet of Nationalities, have equal rights.

ARTICLE 38

The Soviet of the Union and the Soviet of Nationalities have equal powers to initiate legislation.

ARTICLE 39

A law is considered adopted if passed by both Chambers of the Supreme Soviet of the U.S.S.R. by a simple majority vote in each.

ARTICLE 40

Laws passed by the Supreme Soviet of the U.S.S.R. are published in the languages of the

Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 41

Sessions of the Soviet of the Union and of the Soviet of Nationalities begin and terminate simultaneously.

ARTICLE 42

The Soviet of the Union elects a Chairman of the Soviet of the Union and four Vice-Chairmen.

ARTICLE 43

The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and four Vice-Chairmen.

ARTICLE 44

The Chairmen of the Soviet of the Union and the Soviet of Nationalities preside at the sittings of the respective Chambers and have charge of the conduct of their business and proceedings.

ARTICLE 45

Joint sittings of the two Chambers of the Supreme Soviet of the U.S.S.R. are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

ARTICLE 46

Sessions of the Supreme Soviet of the U.S.S.R. are convened by the Presidium of the Supreme Soviet of the U.S.S.R. twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the U.S.S.R. at its discretion or on the demand of one of the Union Republics.

ARTICLE 47

In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed by the Chambers on a parity basis. If the conciliation commission fails to arrive at an agreement, or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the

Presidium of the Supreme Soviet of the U.S.S.R. dissolves the Supreme Soviet of the U.S.S.R. and orders new elections.

ARTICLE 48

The Supreme Soviet of the U.S.S.R. at a joint sitting of the two Chambers elects the Presidium of the Supreme Soviet of the U.S.S.R., consisting of a President of the Presidium of the Supreme Soviet of the U.S.S.R., sixteen Vice-Presidents, a Secretary of the Presidium and fifteen members of the Presidium of the Supreme Soviet of the U.S.S.R.

The Presidium of the Supreme Soviet of the U.S.S.R. is accountable to the Supreme Soviet of the U.S.S.R. for all its activities.

ARTICLE 49

The Presidium of the Supreme Soviet of the U.S.S.R.:

- a) Convenes the sessions of the Supreme Soviet of the U.S.S.R.;
- b) Issues decrees;
- c) Gives interpretations of the laws of the U.S.S.R. in operation;
- d) Dissolves the Supreme Soviet of the U.S.S.R.

in conformity with Article 47 of the Constitution of the U.S.S.R. and orders new elections;

e) Conducts nation-wide polls (referendums) on its own initiative or on the demand of one of the Union Republics;

f) Annuls decisions and orders of the Council of Ministers of the U.S.S.R. and of the Councils of Ministers of the Union Republics if they do not conform to law;

g) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., releases and appoints Ministers of the U.S.S.R. on the recommendation of the Chairman of the Council of Ministers of the U.S.S.R., subject to subsequent confirmation by the Supreme Soviet of the U.S.S.R.;

h) Institutes decorations (Orders and Medals) and titles of honour of the U.S.S.R.;

i) Awards Orders and Medals and confers titles of honour of the U.S.S.R.;

j) Exercises the right of pardon;

k) Institutes military titles, diplomatic ranks and other special titles;

l) Appoints and removes the high command of the Armed Forces of the U.S.S.R.;

m) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., proclaims a state of war in the event of military attack on the U.S.S.R., or when necessary to fulfil international treaty obligations concerning mutual defence against aggression;

- n) Orders general or partial mobilization;
- o) Ratifies and denounces international treaties of the U.S.S.R.;
- p) Appoints and recalls plenipotentiary representatives of the U.S.S.R. to foreign states;
- q) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states;
- r) Proclaims martial law in separate localities or throughout the U.S.S.R. in the interests of the defence of the U.S.S.R. or of the maintenance of public order and the security of the state.

ARTICLE 50

The Soviet of the Union and the Soviet of Nationalities elect Credentials Committees to verify the credentials of the members of the respective Chambers.

On the report of the Credentials Committees, the Chambers decide whether to recognize the credentials of deputies or to annul their election.

ARTICLE 51

The Supreme Soviet of the U.S.S.R., when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and officials to comply with the demands of such commissions and to submit to them all necessary materials and documents.

ARTICLE 52

A member of the Supreme Soviet of the U.S.S.R. may not be prosecuted or arrested without the consent of the Supreme Soviet of the U.S.S.R., or, when the Supreme Soviet of the U.S.S.R. is not in session, without the consent of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 53

On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or on its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. retains its powers until the newly-elected Supreme Soviet of the U.S.S.R. shall have formed a new Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 54

On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or in the event

of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the U.S.S.R.

ARTICLE 55

The newly-elected Supreme Soviet of the U.S.S.R. is convened by the outgoing Presidium of the Supreme Soviet of the U.S.S.R. not later than three months after the elections.

ARTICLE 56

The Supreme Soviet of the U.S.S.R., at a joint sitting of the two Chambers, appoints the Government of the U.S.S.R., namely, the Council of Ministers of the U.S.S.R.

CHAPTER IV

**THE HIGHER ORGANS
OF STATE POWER
IN THE UNION REPUBLICS**



ARTICLE 57

The highest organ of state power in a Union Republic is the Supreme Soviet of the Union Republic.

ARTICLE 58

The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

ARTICLE 59

The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

ARTICLE 60

The Supreme Soviet of a Union Republic:

- a) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the U.S.S.R.;
- b) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;
- c) Approves the national-economic plan and the budget of the Republic;
- d) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic;
- e) Decides questions of representation of the Union Republic in its international relations;
- f) Determines the manner of organizing the Republic's military formations.

ARTICLE 61

The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic, consisting of a President of the Presidium of the Supreme Soviet of the Union Republic, Vice-Presidents, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

ARTICLE 62

The Supreme Soviet of a Union Republic elects a Chairman and Vice-Chairmen to conduct its sittings.

ARTICLE 63

The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of Ministers of the Union Republic.

CHAPTER V

**THE ORGANS
OF STATE ADMINISTRATION
OF THE UNION OF SOVIET
SOCIALIST REPUBLICS**



ARTICLE 64

The highest executive and administrative organ of the state power of the Union of Soviet Socialist Republics is the Council of Ministers of the U.S.S.R.

ARTICLE 65

The Council of Ministers of the U.S.S.R. is responsible and accountable to the Supreme Soviet of the U.S.S.R., or, in the intervals between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 66

The Council of Ministers of the U.S.S.R. issues decisions and orders on the basis and in pursu-

ance of the laws in operation, and verifies their execution.

ARTICLE 67

Decisions and orders of the Council of Ministers of the U.S.S.R. are binding throughout the territory of the U.S.S.R.

ARTICLE 68

The Council of Ministers of the U.S.S.R.:

a) Coordinates and directs the work of the all-Union and Union-Republican Ministries of the U.S.S.R. and of other institutions under its jurisdiction;

b) Adopts measures to carry out the national-economic plan and the state budget, and to strengthen the credit and monetary system;

c) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

d) Exercises general guidance in the sphere of relations with foreign states;

e) Fixes the annual contingent of citizens to be called up for military service and directs the general organization of the Armed Forces of the country;

f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the U.S.S.R. for economic and cultural affairs and defence.

ARTICLE 69

The Council of Ministers of the U.S.S.R. has the right, in respect of those branches of administration and economy which come within the jurisdiction of the U.S.S.R., to suspend decisions and orders of the Councils of Ministers of the Union Republics and to annul orders and instructions of Ministers of the U.S.S.R.

ARTICLE 70

The Council of Ministers of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. and consists of:

The Chairman of the Council of Ministers of the U.S.S.R.;

The Vice-Chairmen of the Council of Ministers of the U.S.S.R.;

The Chairman of the State Planning Committee of the Council of Ministers of the U.S.S.R.;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on the Material and Technical Supply of the National Economy;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on the Application of Advanced Technique to the National Economy;

The Chairman of the State Committee of the Council of Ministers of the U.S.S.R. on Construction;

The Ministers of the U.S.S.R.;

The Chairman of the Arts Committee.

ARTICLE 71

The Government of the U.S.S.R. or a Minister of the U.S.S.R. to whom a question of a member of the Supreme Soviet of the U.S.S.R. is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

ARTICLE 72

The Ministers of the U.S.S.R. direct the branches of state administration which come within the jurisdiction of the U.S.S.R.

ARTICLE 73

The Ministers of the U.S.S.R., within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of Ministers of the U.S.S.R., and verify their execution.

ARTICLE 74

The Ministries of the U.S.S.R. are either all-Union or Union-Republican Ministries.

ARTICLE 75

Each all-Union Ministry directs the branch of state administration entrusted to it throughout the territory of the U.S.S.R. either directly or through bodies appointed by it.

ARTICLE 76

The Union-Republican Ministries, as a rule, direct the branches of state administration entrusted to them through corresponding Ministries of

the Union Republics; they administer directly only a definite and limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 77

The following Ministries are all-Union Ministries:

The Ministry of the Aircraft Industry

The Ministry of the Automobile and Tractor Industry

The Ministry of Foreign Trade

The Ministry of the Navy

The Ministry of Munitions

The Ministry of Geological Survey

The Ministry of City Building

The Ministry of State Food and Material Reserves

The Ministry of Agricultural Stocks

The Ministry of the Machine- and Instrument-Making Industry

The Ministry of the Metallurgical Industry

The Ministry of the Merchant Marine

The Ministry of the Oil Industry

The Ministry of the Communications Equipment Industry

The Ministry of Railways

The Ministry of Inland Water Transport

The Ministry of Communications
The Ministry of the Agricultural Machinery
Industry
The Ministry of the Machine-Tool Industry
The Ministry of the Building and Road-Building
Machinery Industry
The Ministry of Construction of Machine-
Building Works
The Ministry of Construction of Heavy In-
dustry Works
The Ministry of Shipbuilding
The Ministry of the Transport Machinery In-
dustry
The Ministry of Labour Reserves
The Ministry of the Heavy Machine-Building
Industry
The Ministry of the Coal Industry
The Ministry of the Chemical Industry
The Ministry of the Electrical Industry
The Ministry of Power Stations.

ARTICLE 78

The following Ministries are Union-Republican
Ministries:

The Ministry of Internal Affairs
The Ministry of the Army
The Ministry of Higher Education
The Ministry of State Control

The Ministry of State Security
The Ministry of Public Health
The Ministry of Foreign Affairs
The Ministry of Cinematography
The Ministry of Light Industry
The Ministry of Forestry
The Ministry of the Timber and Paper Industry
The Ministry of the Meat and Dairy Industry
The Ministry of the Food Industry
The Ministry of the Building Materials Industry
The Ministry of Fish Industry
The Ministry of Agriculture
The Ministry of State Farms
The Ministry of Trade
The Ministry of Finance
The Ministry of Cotton-Growing
The Ministry of Justice.

CHAPTER VI

**THE ORGANS
OF STATE ADMINISTRATION
OF THE UNION REPUBLICS**



ARTICLE 79

The highest executive and administrative organ of the state power of a Union Republic is the Council of Ministers of the Union Republic.

ARTICLE 80

The Council of Ministers of a Union Republic is responsible and accountable to the Supreme Soviet of the Union Republic, or, in the intervals between sessions of the Supreme Soviet of the Union Republic, to the Presidium of the Supreme Soviet of the Union Republic.

ARTICLE 81

The Council of Ministers of a Union Republic issues decisions and orders on the basis and in

pursuance of the laws in operation of the U.S.S.R. and of the Union Republic, and of the decisions and orders of the Council of Ministers of the U.S.S.R., and verifies their execution.

ARTICLE 82

The Council of Ministers of a Union Republic has the right to suspend decisions and orders of the Councils of Ministers of its Autonomous Republics, and to annul decisions and orders of the Executive Committees of the Soviets of Working People's Deputies of its Territories, Regions and Autonomous Regions.

ARTICLE 83

The Council of Ministers of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

- The Chairman of the Council of Ministers of the Union Republic;

- The Vice-Chairmen of the Council of Ministers;

- The Chairman of the State Planning Commission;

- The Ministers;

- The Chief of the Arts Administration;

- The Chairman of the Committee for Cultural and Educational Institutions.

ARTICLE 84

The Ministers of a Union Republic direct the branches of state administration which come within the jurisdiction of the Union Republic.

ARTICLE 85

The Ministers of a Union Republic, within the limits of the jurisdiction of their respective Ministries, issue orders and instructions on the basis and in pursuance of the laws of the U.S.S.R. and of the Union Republic, of the decisions and orders of the Council of Ministers of the U.S.S.R. and the Council of Ministers of the Union Republic, and of the orders and instructions of the Union-Republican Ministries of the U.S.S.R.

ARTICLE 86

The Ministries of a Union Republic are either Union-Republican or Republican Ministries.

ARTICLE 87

Each Union-Republican Ministry directs the branch of state administration entrusted to it, and is subordinate both to the Council of Min-

isters of the Union Republic and to the corresponding Union-Republican Ministry of the U.S.S.R.

ARTICLE 88

Each Republican Ministry directs the branch of state administration entrusted to it and is directly subordinate to the Council of Ministers of the Union Republic.

CHAPTER VII

THE HIGHER ORGANS OF STATE POWER IN THE AUTONOMOUS SOVIET SOCIALIST REPUBLICS



ARTICLE 89

The highest organ of state power in an Autonomous Soviet Socialist Republic is the Supreme Soviet of the Autonomous Republic.

ARTICLE 90

The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on a basis of representation established by the Constitution of the Autonomous Republic.

ARTICLE 91

The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Republic.

ARTICLE 92

Each Autonomous Republic has its own Constitution, which takes account of the specific features of the Autonomous Republic and is drawn up in full conformity with the Constitution of the Union Republic.

ARTICLE 93

The Supreme Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of the Autonomous Republic and appoints the Council of Ministers of the Autonomous Republic, in accordance with its Constitution.

CHAPTER VIII
**THE LOCAL ORGANS
OF STATE POWER**



ARTICLE 94

The organs of state power in Territories, Regions, Autonomous Regions, Areas, Districts, Cities and rural localities (Stanitsas, Villages, Hamlets, Kishlaks, Auls) are the Soviets of Working People's Deputies.

ARTICLE 95

The Soviets of Working People's Deputies of Territories, Regions, Autonomous Regions, Areas, Districts, Cities and rural localities (Stanitsas, Villages, Hamlets, Kishlaks, Auls) are elected by the working people of the respective Territories, Regions, Autonomous Regions, Areas, Districts, Cities or rural localities for a term of two years.

ARTICLE 96

The basis of representation for Soviets of Working People's Deputies is determined by the Constitutions of the Union Republics.

ARTICLE 97

The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct local economic and cultural affairs and draw up the local budgets.

ARTICLE 98

The Soviets of Working People's Deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the U.S.S.R. and of the Union Republic.

ARTICLE 99

The executive and administrative organ of the Soviet of Working People's Deputies of a Territory, Region, Autonomous Region, Area,

District, City or rural locality is the Executive Committee elected by it, consisting of a Chairman, Vice-Chairmen, a Secretary and members.

ARTICLE 100

The executive and administrative organ of the Soviet of Working People's Deputies in a small locality, in accordance with the Constitution of the Union Republic, is the Chairman, the Vice-Chairman and the Secretary elected by it.

ARTICLE 101

The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organ of the superior Soviet of Working People's Deputies.

CHAPTER IX

**THE COURTS
AND THE PROCURATOR'S
OFFICE**



ARTICLE 102

In the U.S.S.R. justice is administered by the Supreme Court of the U.S.S.R., the Supreme Courts of the Union Republics, the Courts of the Territories, Regions, Autonomous Republics, Autonomous Regions and Areas, the Special Courts of the U.S.S.R. established by decision of the Supreme Soviet of the U.S.S.R., and the People's Courts.

ARTICLE 103

In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

ARTICLE 104

The Supreme Court of the U.S.S.R. is the highest judicial organ. The Supreme Court of the U.S.S.R. is charged with the supervision of the judicial activities of all the judicial organs of the U.S.S.R. and of the Union Republics.

ARTICLE 105

The Supreme Court of the U.S.S.R. and the Special Courts of the U.S.S.R. are elected by the Supreme Soviet of the U.S.S.R. for a term of five years.

ARTICLE 106

The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

ARTICLE 107

The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

ARTICLE 108

The Courts of Territories, Regions, Autonomous Regions and Areas are elected by the Soviets of Working People's Deputies of the respective Territories, Regions, Autonomous Regions or Areas for a term of five years.

ARTICLE 109

People's Courts are elected by the citizens of the districts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

ARTICLE 110

Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

ARTICLE 111

In all Courts of the U.S.S.R. cases are heard in public, unless otherwise provided for by

law, and the accused is guaranteed the right to defence.

ARTICLE 112

Judges are independent and subject only to the law.

ARTICLE 113

Supreme supervisory power to ensure the strict observance of the law by all Ministries and institutions subordinated to them, as well as by officials and citizens of the U.S.S.R. generally, is vested in the Procurator-General of the U.S.S.R.

ARTICLE 114

The Procurator-General of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. for a term of seven years.

ARTICLE 115

Procurators of Republics, Territories, Regions, Autonomous Republics and Autonomous Regions are appointed by the Procurator-General of the U.S.S.R. for a term of five years.

ARTICLE 116

Area, district and city procurators are appointed by the Procurators of the Union Republics, subject to the approval of the Procurator-General of the U.S.S.R., for a term of five years.

ARTICLE 117

The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the U.S.S.R.

CHAPTER X
FUNDAMENTAL RIGHTS
AND DUTIES OF CITIZENS



ARTICLE 118

Citizens of the U.S.S.R. have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

ARTICLE 119

Citizens of the U.S.S.R. have the right to rest and leisure.

The right to rest and leisure is ensured by the establishment of an eight-hour day for factory

and office workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

ARTICLE 120

Citizens of the U.S.S.R. have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

ARTICLE 121

Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal and compulsory elementary education; by free education up to and including the seventh grade; by a system of state stipends for students of higher educational establishments who excel in their studies;

by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations, and collective farms of free vocational, technical and agronomic training for the working people.

ARTICLE 122

Women in the U.S.S.R. are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

ARTICLE 123

Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

ARTICLE 124

In order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

ARTICLE 125

In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

- a) freedom of speech;
- b) freedom of the press;
- c) freedom of assembly, including the holding of mass meetings;
- d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their or-

ganizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

ARTICLE 126

In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the U.S.S.R. are guaranteed the right to unite in public organizations: trade unions, cooperative societies, youth organizations, sport and defence organizations, cultural, technical and scientific societies; and the most active and politically-conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

ARTICLE 127

Citizens of the U.S.S.R. are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

ARTICLE 128

The inviolability of the homes of citizens and privacy of correspondence are protected by law.

ARTICLE 129

The U.S.S.R. affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

ARTICLE 130

It is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

ARTICLE 131

It is the duty of every citizen of the U.S.S.R. to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and

might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

ARTICLE 132

Universal military service is law.

Military service in the Armed Forces of the U.S.S.R. is an honourable duty of the citizens of the U.S.S.R.

ARTICLE 133

To defend the country is the sacred duty of every citizen of the U.S.S.R. Treason to the Motherland—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

CHAPTER XI
THE ELECTORAL SYSTEM



ARTICLE 134

Members of all Soviets of Working People's Deputies—of the Supreme Soviet of the U.S.S.R., the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of the Autonomous Regions, and the Area, District, City and rural (Stanitsa, Village, Hamlet, Kishlak, Aul) Soviets of Working People's Deputies—are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

ARTICLE 135

Elections of deputies are universal: all citizens of the U.S.S.R. who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, prop-

erty status or past activities, have the right to vote in the election of deputies, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

Every citizen of the U.S.S.R. who has reached the age of twenty-three is eligible for election to the Supreme Soviet of the U.S.S.R., irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities.

ARTICLE 136

Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

ARTICLE 137

Women have the right to elect and be elected on equal terms with men.

ARTICLE 138

Citizens serving in the Armed Forces of the U.S.S.R. have the right to elect and be elected on equal terms with all other citizens.

ARTICLE 139

Elections of deputies are direct: all Soviets of Working People's Deputies, from rural and city Soviets of Working People's Deputies to the Supreme Soviet of the U.S.S.R., are elected by the citizens by direct vote.

ARTICLE 140

Voting at elections of deputies is secret.

ARTICLE 141

Candidates are nominated by election districts.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

ARTICLE 142

It is the duty of every deputy to report to his electors on his work and on the work of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

CHAPTER XII

ARMS, FLAG, CAPITAL



ARTICLE 143

The arms of the Union of Soviet Socialist Republics are a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain, with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the arms is a five-pointed star.

ARTICLE 144

The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1:2.

ARTICLE 145

The capital of the Union of Soviet Socialist Republics is the City of Moscow.

CHAPTER XIII

PROCEDURE FOR AMENDING THE CONSTITUTION



ARTICLE 146

The Constitution of the U.S.S.R. may be amended only by decision of the Supreme Soviet of the U.S.S.R. adopted by a majority of not less than two-thirds of the votes in each of its Chambers.

